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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,442	06/12/2000	Udayakumar Shanumgam	39301/JEC/X2	5354

35114 7590 02/13/2004

ALCATEL INTERNETWORKING SYSTEM, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/13/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,442

Applicant(s)

SHANUMGAM ET AL.

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 December 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment received December 5, 2003. Claims 1, 9, and 16 have been amended. Claims 2 and 11 have been cancelled. Claims 17-22 have been newly added. Claims 1, 2, 4-10 and 12-22 are now pending in the present application.

Double Patenting

Applicant has amended claims 1 and 9 to overcome the double patenting rejection. Therefore, the rejections are now withdrawn.

Drawings

Applicant has amended the drawings to overcome the objections. These drawings are acceptable; therefore the objections are now withdrawn.

Specification

Applicant's amendment to the specification to correct minor informalities has been acknowledged.

Claim Rejections - 35 USC § 112

Claim 16 has been amended to correct antecedent basis error. The rejection is now withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,502,131 issued to Vaid et al. in view of USPN 6,101,541 issued to Ellessen et al.

(Amended) Regarding claim 1, Vaid teaches a system for managing policy services in an organization, the organization including a first network having a first set of resources and a second network remote from the first network having a second set of resources, the system comprising:

- a first server associated with the first network (figure 1);
- a second server associated with the second network (figure 1); and
- a firewall in communication with the first and second servers, the firewall being able to be configured to manage incoming/outgoing management of information and monitoring health and status of the network (figures 1 and 2; col. 9, line 63 – col. 10, line 25).

Vaid also teaches the ability to distribute a management tool at any point in the network data path such as clients, servers, or firewall (col. 10, lines 11-16), wherein the management tool collect health status information according to a predetermined log format (figure 9, col. 18, lines 20-21; col. 22, lines 30-39), and providing a centralized view of the health status of the devices

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from a single location (figure 9, col. 2, line 56 to col. 3, line 7; col. 3, line 41 – 44; col. 3, line 49-54).

However, Vaid does not explicitly teach the policies for first and second network resources being managed by a first and second “edge” devices; and the health and status of the first and second edge devices being transmitted to and monitored by a policy server.

Elleson teaches:

a first edge device associated with the first network (figure 1; col. 1, lines 30-60; col. 4, lines 30-59);

a second edge device associated with the second network (figure 1; col. 1, lines 30-60; col. 4, lines 30-59); and

a central policy server in communication with the first and second edge devices, the policy server configured to define the first and second policy settings and monitor health and status of the first and second edge devices from a single location (figures 1 and 2; col. 4, line 60-67; col. 5, lines 34-51).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Elleson into the teaching of Vaid by using edge devices to manage first and second networks because they permit the flow of packets into the network, therefore facilitating the resource management (col. 1, lines 31-43, 47-62). One of ordinary skill in the art at the time the invention was made would have also been motivated to employ a central policy server to monitor the health and status of the first and second edge devices from a single location in order to facilitate the network management for an administrator, thus maintain the network's quality of service.

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Regarding claim 2, Vaid teaches the system of claim 1, wherein the central policy server includes:

a log collecting and archiving module for periodically receiving health and status information from each of the devices (figure 9, col. 18, lines 20-21; col. 22, lines 30-39);

a reports module coupled to the archive database for creating reports based on the health and status information (figures 9-13).

Although Vaid does not explicitly teach an archive database coupled to the log collecting and archiving module for storing the health and status information, he teaches a save feature for storing reports, such as charts, plots, or snapshots of the network (col. 22, lines 30-49), it is well known in the art that in order to access the reports, they must somehow be organized in a storage, such as a database.

Regarding claim 4, Vaid teaches the system of claim 2, wherein the health and status information includes network flow information of packets flowing through the device (col. 2, line 56 – col. 3, line 8).

Regarding claim 5, Vaid teaches the system of claim 4, wherein the device maintains a byte count of the packets flowing through the device, wherein the byte count is organized according to resources associated with the packets (figures 9-11).

Regarding claim 6, Vaid teaches the system of claim 2, wherein the health and status information includes statistics on use of each device's set of resources (figures 10 and 11).

Regarding claim 7, Vaid teaches the system of claim 6, wherein the reports indicate usage of the resources associated with a particular device over a period of time (figures 10 and 11).

Regarding claim 8, Vaid teaches the system of claim 2, wherein the central policy server further includes means for determining when each of the devices is to transfer the health and status information to the log collecting and archiving module (figure 9).

Claims 9, 10, 12-16 contain similar limitations as claims 1, 2, 4-8, respectively, therefore are rejected under the same rationale.

(New) Regarding claim 17, Vaid teaches the system of claim 1, wherein the predetermined log format includes a service field indicating a type of service rendered by the device (figures 3, and 9-15).

(New) Regarding claim 18, Vaid teaches the system of claim 1, wherein the predetermined log format includes an identifier of a source transmitting a packet received by the device (figure 13).

(New) Regarding claim 19, Vaid teaches the system of claim 1, wherein the predetermined log format includes a status field indicating a status of a service rendered by the device (figure 9).

Claims 20-22 contain similar limitations as claims 17-19, respectively, therefore are rejected under the same rationale.

Response to Arguments

Applicant's arguments filed December 5, 2003 have been fully considered but they are not persuasive.

In response to Applicant's argument that neither Vaid nor Ellesson teaches or suggest collecting, formatting, and transmitting of health and status information by the edge devices as recited in claims 1 and 9, the Patent Office respectfully submits that the combination of Vaid and Ellesson does teach this limitation. As stated in the rejection, Vaid teaches distributing management tool at any point in the network data path such as clients, servers, or firewall (col. 10, lines 11-16) and providing a centralized view of the health status of the devices from a single location (figure 9, col. 2, line 56 to col. 3, line 7; col. 3, line 41 – 44; col. 3, line 49-54). In order to view the status of the devices from a single location, the data must be collected in some kind of format (figure 9, col. 18, lines 20-21; col. 22, lines 30-39). As for the step of transmitting the health status information to a policy server, Ellesson teaches this step in figures 1 and 2; col. 4, line 60-67; and col. 5, lines 34-51. Therefore the rejection of claims 1 and 9 are sustained.

Dependent claims are also rejected because they depend on rejected base claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANB


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